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ABSTRACT

Prior research suggests that while males tend to equate justice with fairness, females associate justice with a responsiveness to individual circumstances that embodies an ethic of care. This document reports the conclusions of research examining what conceptions of justice are embedded in the taught curriculum and whether male and female teachers hold and express different views of justice. Eighteen teachers submitted to interviews for the study. All felt "teaching justice" was important and could cite specific topics and materials in use in their curricula. Two thirds claimed to teach about justice directly and intentionally, and the other third claimed to do so indirectly. Definitions of justice emerged as primary theme clusters: (1) justice as right and wrong; (2) justice as fairness; and (3) justice as an ideal or standard. All teachers drew on ideas from all three clusters. Two secondary themes emerged: the idea of justice as requiring moral action and a belief in the relativity of justice. Language and examples that teachers offered were consistent across gender lines. The paper concludes that the topic is worthy of further investigation. Contains 30 references. (SG)

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TEACHERS' CONCEPTIONS OF JUSTICE

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SOCIAL STUDIES TEACHERS' CONCEPTIONS OF JUSTICE

As social studies specialist in a small liberal arts college, I supervise preservice Master of Arts in Teaching candidates who are seeking social studies certification. On a routine visit to an inner city high school, I observed a lesson in a required global studies course for 9th and 10th graders and older students who had failed the class before. Desks stretched literally from wall to wall; every seat was taken. The students mirrored the city's population mix: mainly white, some African-Americans (a few wore medallions showing the map of Africa), students from several Southeast Asian countries, and a few students of Hispanic background. The cooperating teacher was seated at her desk in front near the door. The lesson was about Ghandi's use of civil disobedience as a tactic against the British in South Africa. The student teacher, a lawyer changing careers, described the lesson to me as "teaching about justice," but the word justice was not mentioned during the lesson. He encouraged students to pay attention and be polite to each other, as he guided them to consider issues of dignity and human rights. He responded to courteously to a young woman who challenged him repeatedly and aggressively, treating her comments as serious questions. Suddenly, the cooperating teacher stood up and ordered the young woman to stop interrupting the class and to show proper respect; she delivered what amounted to a mini-lecture on her classroom rules and then turned the class back to the student teacher. I sat wondering: What about justice did that young woman and the rest of the class internalize from the lesson as it unfolded that day, or any day? That question became the impetus for research described in this paper.

Framework for the Study

The dominant paradigm in Western political science and philosophy equates justice with fairness (e.g., Rawls, 1971) and defines justice as a proportionate (as in Aristotle's Nichomachean Ethics). Lawrence Kohlberg (1980, 1985) drew heavily upon this paradigm in proposing that schools should be organized as just communities. Studies conducted by Carol Gilligan and others at the Harvard Graduate School of Education Center for the Study of Gender (Gilligan, 1982; Lyons, 1983; Ward, 1989) suggest that adult and adolescent females find the equation of justice with fairness problematic. These studies claim that conceptions of justice are gender-associated, that males tend to accept the equation of justice with fairness more often than females, and that females tend to link justice with a responsiveness to individual circumstances that embodies an ethic of care. These studies and my experience in schools led me to wonder what conceptions of justice were embedded in taught curriculum and whether male and female teachers held and expressed different concepts of justice.

I responded to an American Bar Association Special Committee on Youth Education for Citizenship announcement of an invitational research seminar with a proposal to study the ways teachers' conceptions of justice were or were not manifest in the taught curriculum. The growing research literature on teachers' "personal practical knowledge" (Connelly and Clandinin, 1985) and the relationship between pedagogical content knowledge and subject matter knowledge (Shulman, 1987) suggests that biography and schooling intersect in teachers' curricular and instructional decisions in complicated ways. This paper reports on my efforts to understand social studies teachers' concepts of justice and whether they believe they teach about justice in their curricula. Eventually I hope to interview students to determine what understandings (if any) about justice they develop from lessons their teachers believe to be focused on issues of justice.

For information about whether justice generally was included as a topic in social studies classes, I contacted the state director of the Law Related Education program, reviewed published LRE curricula, the Oregon Common Curriculum Goals for Social Studies, and school district curriculum guides, and interviewed the social studies specialist for the Oregon Department of Education. I also conducted a literature search to renew my acquaintance with the range of theoretical perspectives on justice.

Four main research questions frame this study:

- Do teachers believe they teach about justice in their curricula and what are their reasons for saying yes or no?

-If justice is part of their curricula, how is it presented?

- How do social studies teachers conceptualize justice? (Are there differences between those with Law Related Education backgrounds and those without?)

- Do male and female teachers conceptualize and teach about justice in significantly different ways? If so what do these differences look like?

To find out about teachers' conceptions of justice and their teaching, I constructed an open-ended interview guide (Dexter, 1970; Spradley, 1979). The interviews were typically one hour long, recorded with the teacher's permission, and transcribed by an aide. I sent each teacher a transcript of his or her interview to make any changes, deletions, additions, or corrections. Teachers either returned corrected transcripts or telephoned to say that they wished to make no substantive changes. I then analyzed the transcripts, noting patterns that emerged from teachers' discussions of justice (Glaser & Strauss, 1976), and checked for gender-associated ideas about justice.

Selection of Participating Teachers

Practical and theoretical considerations guided selection of teachers to interview. I wanted teachers from a mix of suburban and city schools with reputations as good social

studies teachers and an equal number of male and female teachers, if possible. I obtained a list of all social studies teachers with law-related education training in Oregon and also drew upon those who had served as cooperating teachers for prospective teachers at my college, many of whom had participated in LRE workshops. Since many social studies teachers are male coaches, I broadened the sample to include those with middle school experience, those who taught language arts as well as social studies, and those with as few as three years of teaching experience. Although some researchers caution against interviewing those you know well (Seidman, 1992), it has been my experience that it is easier to have a true conversation with teachers who do not regard me as a stranger (see Carter, 1993). I did not want teachers to feel I was judging their curricula or teaching. I interviewed 18 teachers: 16 high school teachers (10 male [M]-2 African-American), 6 female [F] and 2 female middle school teachers (one had just transferred to the inner city high school that received her middle school's graduates). Twelve had mentored pre-service students in our program, three were graduates of one of our programs, and two were recommended by teachers already interviewed.

Education and Experience

Seven teachers held undergraduate degrees from private liberal arts colleges, nine from large state universities. Prior to 1989, Oregon required all secondary teachers to obtain a second (Standard) teaching certificate, based upon completion of 45 graduate hours of coursework in an approved teacher education program, within six years of receipt of their initial (Basic) Certificate. Teachers often combine work for their Standard Certificate and a Master's degree. Eleven teachers held Masters degrees (2 M.A.T., 2 M.Ed., 2 M.S. (psychology, social science), 3 M.A. (anthropology, history, political science 1). Five teachers were currently enrolled in Masters' degree programs (4 M.A.T., 1 M.A. in history). Nine teachers had completed substantial post-graduate course work, including special seminars (e.g., those funded by the National Endowment for the Humanities). Three teachers with the Standard Certificate neither held a Master's degree nor were enrolled in graduate programs. Five teachers had taken Law Related Education courses; three were males with substantial involvement in LRE including program and curriculum development. Teaching experience ranged from three to thirty years (3 years - 3F; 8-12 years - 3M, 1F; 16-20 years - 4M, 3F; 21-30 years - 3M, 1F). Twelve teachers were certified to teach social studies and another subject (including 1 lifetime certificate to teach all subjects, 4 Language Arts, 1 French, 1 TeSOL, 1 Physical Education, 1 Home Economics and 1 Administrative certificate). One teacher was working towards a license to teach Japanese.

Teachers Responses

Scope of This Paper

The interviews elicited such rich data that I cannot report all of it in one paper. I focus here on responses to four of the 25 questions:

- Do you teach about justice in any of your classes? Tell me about this.

- Have you always done this or is this relatively new for you?

-If a student in one of your classes [pick a class teacher has identified as one where s/he teaches about justice], asked you to define justice, what might you say?

- Please think for a moment, would you say there were different kinds of justice? Say more about your idea. [Probe: how would you describe or classify the kind of justice citizens are entitled to expect from their government? ...in the work place? ...in international affairs? ..in relations between individuals?] This question was used to permit teachers uneasy with the idea of justice as application of a rule or principle to voice their concerns about the need to make exceptions for context and relationship; I wanted to see whether a gender-associated difference would emerge and whether male and female teachers would report themselves highlighting different aspects of justice in their curricula. In reproducing teachers' comments, I have distinguished places where I amended teachers' language in the transcript [. . . .] from a pause or a trailing off of teachers' words as part of their original remarks [...]. All names are fictitious.

Do You Teach About Justice in Any of Your Classes?

Twelve teachers responded unequivocally that they taught about justice; six claimed they did this "without a doubt" or "in all their classes." One said, "I hope I do. If I'm not, I'm leading students astray." The other six qualified their responses by noting that while "I don't have a topic called 'justice'... I think I get at the issue of justice," or saying, "Yes and no; sometimes directly, sometimes indirectly." A middle school teacher reflected, "I think it starts in my curriculum just like interpersonal stuff. . . just teaching kids how to interact and not tell each other to "shut up" all the time." High school teachers felt that "justice isn't something you can cram down people's throat, you know. I don't have the right answer. But I can see where justice is," and that "the idea of justice certainly comes up numerous times during the school year in a number of different settings." One high school teacher said, "No, not per se. I mean I don't really know what justice is. . . there are a couple of working definitions... We discuss the concept of 'just', but I don't teach justice."

The probe *Have you always included teaching about justice?* elicited unexpected stories. Sandra Thomas said she'd done this "from the beginning. It's always been part of the curriculum for me." Her motive was to prompt a form of social action:

> I think it gets back to my initial reasons for wanting to be a . . . teacher. . . to get kids to examine what they hold dearly for themselves and to understand . . . what their role is in trying to make a fairer society. . . Some of these kids are thinking about being big business people...CEO's... Maybe we can get them to. . . think about the injustice that can occur. . . maybe they'll think about regulation . . . where there's fairness lacking. Sometimes government regulation can even the scales out a bit . . . . I would just hope that kids would see that without threatening. . . what they think is their life style, you know? . . . I think that when you talk about fairness and remedying injustice, it's threatening to kids too.

Middle school teacher Patricia Dean ascribed her motivation to teach about justice "from the beginning" to her upbringing:

> My dad one time said to me that I've always been so preoccupied with fairness. . . My parents are pretty good liberals and -- it's interesting. . . It's not just my upbringing. Cause my siblings aren't nearly as concerned with the ways of the world as I am. . . I think that I had a critical education. For some reason it felt good -I was thinking about this recently - about how it felt good when you first have a teacher who tried to encourage you to get mad at the world, or to look at things really critically . . . like that was like the first time I got really excited about learning. . . .When you're an 18 year old woman and someone says, "Yes, you've been oppressed," and you know, even though you're upper middle class and white and privileged, you've had experiences that other women have had. . . here's an explanation to why your brothers have a bigger bank account than you do . . . these forces in society created this. . . it validates your experience to join, to feel some sort of oppression with other people. . . .

Patricia's theory was that her interest in justice developed from a personal "self-centered kind of altruism" that "spread beyond just being concerned with fairness and justice as it related to me and my personal issues" to a concern with the "worries of a 13 year old boy who's in my class. And so it's kind of like my own participation in creating more access to justice started very personal[ly] and then it kind of expands."

Before they felt ready to tackle teaching about justice, other teachers required experience in teaching, time to acquire a sense of competence with the complexity of the subject matter of their courses, and time to establish their credibility as good teachers. Kate Harris now addresses "issues of justice" such as the U. S. government's removal of the Cherokee people from their land and the forced march along the Trail of Tears, through document-based lessons which require students to interpret primary sources and take a position on an issue. She claimed she did not do this in her first year when "we did a lot more of just kind of knowledge things . . .we didn't know what we were doing." In describing the evolution in his teaching that accompanied his transfer to the high school with the highest enrollment of African-American students in the city, Greg Bond raised the issue of his own comfort level:

> No, I have not always done it. . . That didn't happen at the middle school where I worked. Because I never felt comfortable in that basically white middle class community in terms of dealing with that as an issue. . . It just so happens I was a

> good teacher and most of the kids liked me - to the chagrin, I think, of their parents. Because their kids had never had a Black teacher, I mean a really *Black* teacher with an Afro. . . Even after being there 11 years, in terms of sort of overtly teaching justice there, I wasn't comfortable with that. . . To teach about justice explicitly, I had to find my comfort zone first... It was a gradual change . . .

How Would You Define Justice to A Student in One of Your Classes?

Teachers amended and extended their responses to the direct question about their definition of justice in two ways: 1) with specific descriptions of "teaching justice" in their courses and 2) in volunteered stories about the emergence of a justice issue as a dilemma either in their relationships with students (or staff), or in carrying out the instructional part of teaching (not in selecting curriculum or choice of activities for students to engage in). Although my intention was to focus on the overt curriculum, my study confirmed Bricker's (1989) findings that justice consistently is taught as part of the "hidden curriculum"; the teachers I interviewed raised the issue themselves, telling me that they could not avoid "teaching justice" indirectly though they could choose not to teach "*about* justice." Here is a sampling of their comments:

> I think that everything that I teach in some way is about fairness, and I'm not sure that 'justice' and 'fair' are the same thing, but I see them as very inter-related... I'm not sure that I ever specifically explicitly said, "This is about justice." (Patricia Dean, middle school)

> In my African and African-American History class, the topic is always justice because we are always looking at how people have been treated differently based on race, color, class, social domination.... (Greg Bond, high school)

> My gut feeling is that teachers deal with justice every day. . . .a lot of it is modeling -- how you treat the kids. . . . (Carrie Royce, high school)

> If you say teaching about justice as a <u>topic</u>, it's different than teaching justice. . . One level is teaching justice. and I would say I do that. . . I think it is critical for students to learn some aspects of justice when they are in a class, in terms of not having favorites. . . . So in teaching consistently, I monitor - or at least I try to monitor - how I do things, to determine if it is just. One... has to do that. . . . (Mona Dietz, high school)

Teachers' illustrative examples echoed Kevin Ryan's (197?) conclusion that moral education "comes with the territory" of classroom teaching. Ryan and Bricker were concerned that moral education too often occurred implicitly. This may be the case, but the social studies teachers I interviewed were often painfully cognizant that they "taught justice" through their implementation of school and personal policies regarding classroom management procedures, their responses to tardiness, absence, late work, students' stories of personal hardship, and their grading practices. Their narratives suggest that some occupations may either attract or encourage individuals whose conception of morality <u>fuses</u> an ethic of care with a concern about justice. Debra Shogan (1992) describes such a

moral orientation in her work, in response to what she believes to be insufficiencies in the theories of Kohlberg (1970, 1971, 1983), Gilligan (1977, 1982, 1987), and Noddings (1984). I will return to this issue later in the paper.

Analysis and Discussion

The Landscape of Justice

The landscape of justice is a difficult terrain, criss-crossed for centuries by philosophers, law makers and enforcers, and ordinary people. Not surprisingly, teachers' concepts of justice are crisscrossed by a rich network of interconnections; however, three definitions emerged as primary theme clusters, much as mountains dominate a landscape:

- justice as right and wrong
- justice as fairness (of treatment)
- justice as an ideal or standard.

Although teachers' views were strongly shaped by the primacy of one of these ideas, they drew on the other two as the context of their discussions warranted. Furthermore, the ideas of justice as moral action and the relativity of justice emerged as secondary issues, much as streams run beneath a prairie. Teachers struggled with their belief that although members of a society must hold some common concept of justice, justice also was an individual construct that was different for "every one in this room." They felt that some part of the concept of justice ought to hold true across cultures and persons, but they also believed that students and adults hold idiosyncratic ideas about justice and that individuals experience justice differently depending upon their race, gender, and class. I will discuss this tension after presenting the primary and secondary theme clusters.

Justice As Right and Wrong

> I will define justice for you, and that's right and wrong. . . . also, the cultural idea of right and wrong. Justice sitting here in Portland Oregon at this high school is gonna be different than justice in [another] high school across town. And it's gonna be different than justice in China. (Carrie Royce, H.S.)

> [In fact, I start my Criminal Law class off with that. I have them write down what they think [justice] is and we talk about it. But what I end up telling them is that it's each person's perception of what's right and wrong, what's just in every situation, the outcome of that situation or the actions involved in that. Every person has to put their own values on that, decide whether that was justice in the end. Was justice served? Were the actions just? . . . I can draw some issues where I would say [my students] probably would be in consensus that this is justice, this is not. But . . . if we probe long enough we will find areas where we disagree on what justice is. (Mitch Smith, H.S.)

> To me, what is just is what is right. . . . What is right is based on morality, what is right is based on law, what is right is based on whatever the circumstances you're working in or living in. . . . In other words, I think there's a lot of relativism out there. I don't think most people see justice as an absolute thing. . . . what is just in American society is not necessarily what's just in Chinese society. [To treat

someone justly] is culturally dependent, I think. . . .you could have ten people in here and everybody has a different view of what it is. . . . (Kate Harris, H.S.)

Justice As Fairness (of Treatment)

Being fair, [pause]. Treating everybody the same - or trying to treat everybody the same. . . Do I equate justice as being right or wrong? No, I would say I think justice is --how would I put it?-- trying to. . . achieve a sense of fairness. Equity. (Marc Jura, H.S.)

I would say, um, ...equal treatment... I want to say 'under the law' but I would broaden that, I think. Under. . . a code of ethics, you know, a code of morals. Because I think that so many laws don't deal with...day to day, ah, incidents, which kids have to make some determination about. . . . Is this person being treated fairly or not?. . . (Sandra Thomas, H. S.)

I think I would have to use the word fairness more than anything else. Justice to me means, uh, not always an equitable outcome but certainly a fair outcome given the variables involved. . . equal in terms of opportunity, and . . . you know, a fair chance to gain the same level of material goods, or opportunities. . . . Even though you might not insist that the final outcome be equal, the means of getting to the final outcome would be equal at some point. (Walt Cochran, H. S.)

You know, this might seem like I'm describing more do I teach "democracy" or the notion of do we live in one. But I think it has a real strong connection to justice. . . . I guess I would call it social justice. . . . Is there truly fairness in our society? . . . There's implied in democracy a certain degree of equality and practiced equality by the government. . . . (Matt Lyons, H. S.)

I think justice. . .means . . . fair sharing...fair and reasonable sharing of the earth's resources... and fair treatment in terms of law, in terms of political treatment. How is [justice] different than fair? . . . I guess part of me says there's a distinction between the terms, but I can't lay my finger for the moment on how I would distinguish among them. (Jon Estes, H. S.)

Justice As An Ideal or Standard

I'll tell you what pops into my mind is Plato's ideal moral law. That is one of the conversations, of course, that he opens up, talking about the philosopher king in Plato's REPUBLIC. He talks about justice and the ideal moral law and all of that. . . . So, that's like an ideal. So justice is, like, a concept? . . . Probably for every person on this planet, there's an individual interpretation of what this is, I would suspect. . . . I get stuck with the ideal, where there's no answer. Or. . . I can be very pragmatic. . . . Justice is when you break the law, you get in trouble, and there are consequences to your behavior. And that's just the way it is, based on the laws and mores of the culture. (Stan Gray, H. S.)

Justice is what a society determines, generally through law, and sometimes through tradition. What is fair, moral, has integrity [pause] . . . . I mean, there are some common understandings of justice, but there are also individually some internal beliefs on justice. We either --I don't know, you either are a just person or you're not. . . . I think there's a very limited scope for what collectively we can agree "this is justice." [This includes] things that are generally supportable by law, or possibly by tradition, and that exhibit fairness and integrity. . . . Beyond that, I think it's very individual. (Mona Dietz, H. S.)

> That's a really tough question!... The treatment of all Americans -- that's the context we're talking about -- the treatment of all Americans. . . in a moral, just, equitable way... on the part of individuals... bureaucracies... institutions... That's what I would say justice is. . . I think justice is different for different people. . . . I know that what's . . . just treatment for women in this country is different from just treatment for men. I mean, men would see that differently than women would! . . . That's what I think we've learned in this country, based on how we see people being treated. My definition is an esoteric philosophical definition. It is the definition that I wish we operated by. But that's not the reality of what justice is. (Greg Bond, H. S.)

Secondary Theme Clusters

Justice As Moral Action

Five teachers (three male, two female) emphasized the connection between moral action and justice, but their characterization of this action differed. Jon Estes (a former union organizer) corrected the language in my questions, insisting that he was "teaching for justice" not "about" justice. He and Sandra Thomas (who had worked for 12 years as a community organizer) stressed their desire to motivate students to work for social change as a means of achieving a more just world. Another teacher focused on his desire that students learn to make informed judgments on policy issues of particular import to a democracy (echoing others' stress on the importance of teaching students to be critical thinkers, but in the context of citizen action). Among these four was the only teacher in the sample with a graduate degree in anthropology; when asked how he would define justice for his students, he did not mention the terms right and wrong, equal treatment or fairness used by the other teachers:

> My first sense is, I would like to be able to tell them a story, but one doesn't pop into my mind at the moment . . . The first thing I think about is, it's a kind of dance, or a balance game. . . with the tension between. . . how much of it is the choreography that's been taught to you by someone else [and] how much of it is your own individual interpretation? . . . A just action -- I think a lot of it happens in really mundane things. I think it happens in, um, how much tolerance there is for a variety of experiences and points of view, and how much comfort there is with tolerating different behaviors [and] the expression of different points of view.

After reading the transcript of her interview, Patricia Dean sent me a letter of clarification. In the interview, she said:

> I would say that it has to do with appropriate consequences for actions, and access to resources. . . . like justice has to do with more than just saying everybody gets treated fairly. I think it has to do with there are -- that consequences are appropriate for the situation and that access to resources are appropriate to the situation. Because I don't think it's equal. It's not to do with equality for me.

In the letter, she amended her definition as follows, including a diagram:

> The idea of justice in the classroom has been floating around in my brain since we spoke at the beginning of June. What seems to be at the core of the issue for me in relation to teaching is the idea that we need to help kids to understand that in

our society we have an ideal or value about fairness or justice that is abstract and unobtainable, yet needs to be fought for and worked toward. There is a complicated conflict of interest in a certain way between the idea of "justice for all" as articulated by the framers of our Constitution and the need for those framers' equivalents today, our leaders, to keep spreading that idea while holding on to their own access to power or privilege.

There is a reoccurring image in my head which better explains this idea. Visualize justice in the United States as a "V" constructed from two rays. When we began as a society, "justice" was extended to a very few people who were part of the society; those filled that very small space where the "V" begins. As we have grown, the inverted "V" incorporates more and more individuals getting larger and larger, yet always excluding somebody.

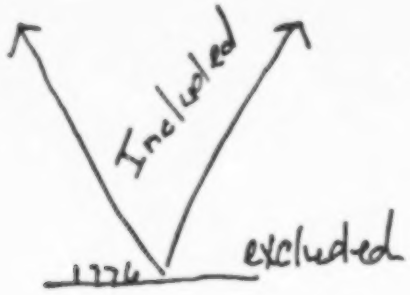

Figure 1. Patricia Dean's Diagram of Justice

Issues of Relativity in Teachers' Concepts of Justice

Teachers questioned the idea of a shared notion of justice, within a society and across nations, although they acknowledged there might be some shared understandings about justice that permitted us to talk with each other and feel we were discussing the same thing. They stressed either their awareness of the idiosyncratic nature of each individual's definition of justice or their knowledge that the expression of justice differed according to a culture's values and norms, although some teachers mentioned both.

Difference Based on Personal Interpretation

Stan Gray's contention that "every person in [my] classroom has a different idea of justice. . .an individual personal interpretation" of the "pragmatic part of our justice system" typifies the comments of those who seemed to believe that justice was a '31 flavors' problem. Reasons for holding this view centered on teachers' belief that there was no social agreement about how to implement the national values enshrined in documents such as the Constitution and Declaration of Independence, especially those portions exhorting equal treatment for all. In effect, teachers were extending the analysis of Bellah et al. (1985) that the social fabric of our communities is unraveling:

> I may view you as a just person or not view you as a just person, but what determines that is my view of justice. The same thing would be true of you . . . I think there's a very limited scope for what collectively we can agree, this is justice. Beyond that I think it's very individual. (Mona Dietz)

> If we're looking at a group that has had no freedom - slaves, African-Americans before the Civil War, or a group of people that did not have the right to vote in this country, then I would say that . . . my students' perspective is that's unjust. . . . but certainly there are some individuals that at least at that point in time (and probably still some that are alive and well today) that would say that was not unjust . . . I can draw some issues where I would say [my students] would probably be in consensus that this is justice, this is not. But if we probe long enough, we will find areas where we disagree on what justice is. (Mitch Smith)

Kate Harris argued that "there's a lot of relativism out there. I don't think most people see justice as an absolute thing. . . it depends on the circumstance. . ."

> . . . you could sit down and I don't think you could find anybody in this society that would necessarily always agree with your view of justice. In other words, you could have ten people in here and everybody has a different view of what it is. But do they have a kind of a core of what the idea of justice means? Yeah. I'm not helping you, am I?

Greg Bond introduced an analysis of justice conceptions rooted in differences in experience among individuals of different class, race, or gender:

> I think justice is different for different people. . . I mean people as either class or gender or race. OK? And what each thinks is different. It's hard for me to articulate that by example for each one of those. But I know that what's just or just treatment for women in this country is different from just treatment for men. I mean, men would see that differently than women would. . . Even though they're different situations and the circumstances are different, you could say that William Kennedy Smith got *his* justice because African-Americans would perceive that he's white and a person of [high social] class and he got off. And people look at Mike Tyson, and he didn't get justice, primarily because of his color and his inability to ...defend himself. . . A woman would look at William Kennedy Smith and Mike Tyson, and they may say, "Mike Tyson got justice; William Kennedy Smith didn't . . . .Now you talk to [African-American] women and that's where the schism comes, because. . . they would say, "He deserves to go to jail; Mike Tyson got justice." Then you talk to African-American men and there's a definite difference. (I'm generalizing, of course.) That's what I meant by justice is *different* for different people. And it's based on our *experience*.

Difference Based on Cultural Values

I am coming to believe that social studies teachers may represent a special case of adults because their knowledge of other societies is broader than most other occupational groups require. Three women (Royce, Henly, and Harris) drew on their knowledge of China to maintain that although the idea of justice might be common in all societies, enacting that concept would vary widely. Ms. Royce was the first to raise this issue.

She started by saying that "achieving justice in America would be totally different than achieving justice in China," based on her experiences living there, and her knowledge of Chinese parables. Carrie Royce thought she might prefer the Chinese conception of justice in the case of car accidents, but not in relation to other issues of harm. Here is the story she told:

> There's a traditional Chinese tale, and it's about Judge Li Yo. He is asked to rule in favor of one wife over another wife. Both wives have children and have reasons to have the man support her. And the judge choose the first wife over the second wife, because the first wife had the *recognized* value. Even though, as the story unfolds, the second wife really was the "nicer" person, the "better" person, more giving and understanding, less manipulative, etc. And so, she dies in the end. Now I think the judge rules for justice, according to continuing the social agreements in Chinese culture. But my response is, I feel really badly about the right person, the good person, dying. And indeed, the Chinese also do.

I pressed Carrie, saying I heard something "I think is part of the Western concept: the judge in this tale is attempting to balance something. . . that otherwise would not be there." She replied, "The balance is that the wife who is recognized survives. . . The judge is kind of in the same situation as Solomon." Ms. Royce also noted that her students often tell her that "there is no truth in the legal system we have." She was quoting from a student's reaction to a scene in Zora Neale Hurston's novel, Their Eyes Were Watching God, where "Jamie is on trial for killing Tea Cake."

> The girl was putting herself in that situation. I asked her what she meant and she said that if you're figuring out what is fair on a majority vote [our jury system], it might not be really fair. And I had no answer for that. I said, "Well, it's a question you'll probably ask yourself a lot . . . I'd rather trust a majority vote than one person." . . . and I shared what I know about the Chinese judicial system, which is much different. And students weren't so sure they agreed with the Chinese definition of justice. . . . Up until 1985-86, there was no such thing as suing for personal injury in the Chinese legal system. The person who hurt you [e.g., in a car accident] was financially bound to care for you until you could go back to work. Say they ran over your bicycle. To decide who is at fault --if that's what you mean by justice-- it's a committee. There's the person from your neighborhood, a person from the other person's neighborhood, the judge, and the two lawyers [who] present cases, present the facts. And in the traditional system, the judge could beat everyone to make sure everyone was telling the truth. If your story stayed the same, then he might [decide in your favor]. I use that example.

Kate Harris' story focused on the American reaction to the events in Tienanmin Square:

> We looked at that and said, "This is unjust. Why is this happening? Why are they sending in the tanks?" Because people didn't deserve it. My husband was in Beijing not too long after that on business, and we have a good friend who lives there and he had dinner with her. Her comment was, "This has nothing to do with right or wrong or just; this has to do with 'these folks don't understand that they're

> getting in the way of our economic progress.' These people are getting in our way. It is absolutely ridiculous for them to be out there protesting and wanting democracy when all we're really concerned about is having a better lifestyle." . . . My view of justice is, this was a terrible thing that happened. Her view --and she's a college educated woman-- is 'these guys got what they deserved.' . . . Kate continued:
>
> Here's this woman who's lived in the United States and loves the United States and certainly has an understanding of values that the people would have in this country, being just totally disgusted with these protesters -- and I think she represented a lot of Chinese people --not everybody-- but she really felt the most important thing for China was to move forward economically. . . . You could have intellectual conversation. She could understand why we felt it was unjust what happened, but she didn't agree with it. [pause] So, at the core of treating people justly... I think that's where it becomes real culturally relevant - not relevant, but it's culturally dependent, I think.

This anthropological view forms the basis of an essay by Nader and Sursock (1986), who nevertheless note that "varied notions of justice" are not "limitless":

> The same categories are noted so regularly from culture to culture that the concept of just behavior seems to revolve everywhere around the choices that so many authors in this volume have isolated: harmony, need, equality, and equity. As revealed in writings about revolutions, however, when translated into ideology , such gentle terms may often result in grotesque behaviors involving violence, albeit justified by ideas of fairness, equality, and the like; limited concepts of justice may lead to limitless consequences (p. 228).

I was surprised and disturbed that teachers were reluctant to judge some conceptions of justice as flawed or inconsonant with their values. In Actual Minds, Possible Worlds, Bruner (1986) argues that although "meaning...is an enterprise that reflects human intentionality and cannot be judged for its rightness independently of it.., [i]t is not a relativistic picnic" (158-159). I would hope that social studies teachers would assist students in exploring the consequences of different conceptions of justice, so that these adolescents develop a sense that they are informed and competent to make judgments about matters of justice. (Teachers may do this when faced with specific classroom events;but this is not what they reported in interviews). Teachers whose concept of justice included moral action (e.g., Jon Estes and Susan Thomas) were willing to push their students to develop a sense of social action. Those who believed (as Stan Gray told me) that "justice isn't what you do, it's a way of being" were reluctant to suggest that some ideas about justice were more valid than others. Teachers (see quotes from Gray and Dietz, above) who defined justice as part of a person's character were expressing the Aristotelian position, eloquently explored by MacIntyre (1984), that justice is connected to a morality of laws. The Greek position, however, included the importance of working towards founding a community to achieve "a common project,"

defined as a shared good recognized by all (see p. 151). Although teachers recognized the unraveling of a shared sense of community, they did not see it as their role to help students actively construct a shared sense of justice. In contrast, Patricia Dean, Susan Thomas, and Jon Estes saw "teaching for justice" (in Estes' words) as a central part of their work as social studies teachers.

Male and Female Teachers See Empathy as Central to Justice

Students want teachers to be fair. Constructing a trusting relationship with students and building a sense of community are essential aspects of teaching. Male and female teachers talked about dilemmas they faced in trying simultaneously to be fair to a particular student and the whole class as a justice issue. They experienced conflict because they felt an obligation to treat all students equally (i.e., not play favorites) and also to respond to special circumstances of individual need. But they also recognized that evaluation of a relationship (whether between individual or nations) as just or unjust depended on the circumstances of the relationship. This section explores the way teachers represented these issues in their discussion of justice.

Greg Bond was especially concerned about how the presence or absence of a relationship between individuals influenced his sense of justice. His language mirrors the orientation of care that Gilligan (1977, 1982) describes as more often creating ethical dilemmas for females:

> A class I had [on moral education] has really caused me to think about the individual morality that we have with one another in relationships. And I think that that's the justice. It is an individual sense of right and wrong, based on how you relate or who you're relating to... and what is the context of that relationship. Context meaning time, place, circumstance, ...who the relationship is with. Is it with an intimate person, like your wife? Is it with a child, where there's some deference to respect and authority and... parenting and all of that? Is it with a student?

Matt Lyons wanted his students to develop empathy for officials charged with delivering justice as part of their job. Although he recognized the salience of context, he focused more on the way individuals decide whether an outcome is "fair" to them personally:

> Justice, that's-- these people [government officials] are trying to do the best job they can in those situations under those circumstances. . . . the definition of justice to me is just each person's mind as to 'Was this action, was this decision, was this law just to me? Was it fair from my opinion, my experience?'

Other teachers also articulated a blend of the justice orientation with the care orientation, leading me to wonder whether something about the nature of teaching as an occupation supports a view of justice as a continuum sometimes requiring principled response (from duty or obligation) and sometimes requiring more sensitivity to context.

This view is proposed by Debra Shogan (1992) in her critique of the work of those who view justice as distinct from care. Shogan argues that different kinds of moral situations call forth different types of moral response. In one situation, "the welfare of others is at stake as a result of some predicament or circumstance which does not require a process of adjudication." In such situations, "caring persons" have a "benevolent desire" to enhance others' welfare. In the "other type of moral situation," where "there is a conflict between sentient beings or between sentient beings and a standard," a moral response requires resolution through adjudication "so that those in conflict are treated fairly" (p. 17).

Shogan takes issue with Noddings' (1984) definition of a caring person because she believes that a caring person is motivated both "by welfare and fair treatment of those in a moral situation" as the situation requires (p. 18). She notes that some situations require impartiality and some require using knowledge pertinent to the relationship of individuals and the situation, agreeing with Iris Murdoch that "impartiality does not demand indifference" although it does require "detachment" (Shogan, 1992, p. 22). Sometimes adjudication is the appropriate way to settle the conflict; sometimes the welfare of one of the parties requires a particular response. Which response is more appropriately just often depends on whether friends or strangers are involved. Shogan also cautions that:

> Recognizing that situations differ according to certain important features is not to claim further that moral situations can be interpreted any way one wishes. On the contrary, features of moral situations are conceptually connected to what makes either a benevolent or a just desire appropriate as a motivation for a particular situation...caring people have certain character traits. This is an important point because consistency is often thought to be characteristic of principles which are universal and not of desires which are often portrayed as fleeting and not dependable. (24-25)

Shogan's conception of a moral response as requiring a fusion of justice and care is visible in the conflicts that teachers described in their relations with students. For example, Marc Jura described as a justice dilemma his belief that he could not be fair to a specific student and the whole class of students when he had to decide whether to make allowances for a personal hardship when a student was unable to meet a deadline or in calculating a student's grade. Shogan notes that in some situations "the desire to do one's duty to be fair takes precedence over a benevolent desire to assist a particular individual" (p. 33). Her position differs from that of Kohlberg (1970, 1971) and Noddings (1984) because she views benevolence as part of justice. She differs from Gilligan (1982) insofar as this folding of care into justice provides a different perspective on studies that

show females and males as both articulating positions of justice and care. Instead of seeing these as primarily gender-associated responses, Shogan views the difference as appropriately elicited by different kinds of situations. Teachers' conceptions of justice closely mirrored Shogan's notion that fairness and caring are part of justice.

Justice Combines Fairness As A Principle With Care For Persons

Male and female teachers connected fairness to an equally important sense of the need to be sensitive to an individual's specific situation. Stan Gray tried to find a way to define justice that would cover all cases. Stan felt that "either you are a just man or you aren't. . . It's not what you *do;* it's a way of being." In this he was echoing the Aristotelian position (see MacIntyre, 1984) that justice is quintessentially the proper enactment of one's social role based on culturally-ascribed relations to others. Gray believes that every student in his classes has a basic right to express his or her own opinion and to "be themselves." He described himself as "fair" because 1) he treated all of his students the same whether they were passing or failing, and 2) accepted all of their comments as equally worthy. Laura Henly, who team teaches "integrated" high school language arts and social studies classes, initially quoted Thurgood Marshall on "equal treatment" as her definition of justice. Later in the interview she amended her definition to voice her concern that universal standards somehow needed to account for the impact on specific persons:

> I guess there's some sort of an abstract justice, like kind of a standard, uh. . . something that is in, like. . . the guarantees of the Constitution, the Declaration of Independence, which are sort of... abstract. . . . as that justice that is, you know, provided in the Constitution is actually applied to, or played out, or experienced by the individual... I don't know if it would be... sort of... the basic right of the individual? . . . Basic rights. Human dignity. I don't know... but as it's applied . . . to every single person...

Every teacher I interviewed acknowledged that for justice to be implemented in any culture, it would be necessary to take into account the special circumstances of the relationship between the parties. Furthermore, both male and female teachers specifically referred to principles of justice as the salient touchstone within the concept for them. Their sense that justice included the principle of "equal treatment" created conflicts for them when they tried to be "fair" in implementing their own policies about absence, completion of missed work, and grading. The conflict arose because they wanted to take a student's special personal circumstances into account and simultaneously also be fair to the rest of the class. Teachers' concepts of justice thus support Gilligan's (1982; 1985) position that adults articulate both a morality of justice and a morality of care (see also Lyons, 1987). Teachers' concepts challenged Gilligan's finding that males most often use the language of justice as a principle while females most often use the language of care or

responsiveness to individuals. Teachers stated specifically that the situation determined whether they drew more on the "principle" or more on the "responsiveness" part of their idea of what justice required, but that both of these ideas were primary to their concept. Lyons (1987) notes a "third pattern...an equal use of justice and care considerations" but this has not received much attention from researchers. It seems teachers construe justice differently depending on whether the issue concerns what is just for society in general (the public domain) or what is just for the individual (the private domain), as the quotations below illustrate.

Carrie Royce used "justice language" in discussing her idea of a just relationship between nations:

> Well, for me, relationships have obligations and responsibilities. And so, uh, justice would be trying to balance. . . the relationships and the obligations that you have in that relationship, and so THEN...it sounds kind of ...what is it? patronizing? -- but you know there would be certain obligations that the U. S. might have to a protectorate.

I commented that "there might be legal obligations that both parties had agreed to" and Carrie replied:

> You know the issue right now with Viet Nam? The Vietnamese see that we have an obligation that we're not fulfilling, and their definition and our definition are different. They have an obligation to make restitution for people who are missing, [about] whom they say, "There's no way that we would feed a foreigner. . . Why would you think I would hide a foreigner and then feed him when my own family is starving?". . . There's the agreement that there's the obligation, but it's like the obligation is not the same. There's no way [that the U.S. citizen's sense of] the responsibility would be met.

Laura Henley teaches a class on the literature of colonialism that includes social science perspectives (e.g., Memmi, 197X) and novels by Indian and African writers. Readings explore the differential impact of colonial societies on men and women of different classes. Henly spoke of her sense that there was a kind of justice specific to international affairs. She said:

> I think that in the real world, because of the difference of power. . . a country that is a third world power and a country that's a first world power. . . Is it *just* , for instance, to expect a third world country to turn down storage of toxic wastes if it means feeding your people? Is it just, you know, for a country like Germany or the United States to even ask? Is it just, in this country for us... to encourage or to ask Native Americans. . . when almost all the applicants for nuclear waste storage are from Native Americans? It seems to be there's a basic injustice there, and it's

> an injustice of rank or, you know, position, in terms of power and wealth and so forth.

I pressed Laura for clarification: "Is there a difference between that and - I don't know - is there a justice that would hold between individuals? Like in husband/wife relationships, or between parent and child?" She replied:

> Probably, if it's in terms of a power difference. Either because of economic power or physical power. And it may be the distinction between, like... public justice... the abstract declarations of human rights and so forth. And this may just be another aspect of that. I'm not sure that they're different, no. I don't know whether they're different. I'd have to think about that.

Greg Bond struggled to explain his sense that there was some "sort of moral universality stuff," some "sense of moral right and wrong that goes across race [and] gender." He strongly asserted that even in cultures that practiced infanticide, there was a sense "that taking a life is not right." Bond questioned the idea of a moral universality because he did not see it at work "at the nation state level," saying, "perhaps the Jehovah's Witnesses have it right: Maybe men really can't rule themselves." The behavior of nations had convinced him that morality meant:

> something greater than a human sense of right and wrong. . . because of how we're organized. . . . In order to have justice, you have to have some sense of right and wrong and I see that that's arbitrary. Based on somebody's national interest. . . that same type of morality was used to drop the bomb on Hiroshima and Nagasaki. To save our boys.

Greg said firmly, "the treatment of all Americans in a moral [pause]...just, equitable way...on the part of individuals, bureaucracies, institutions. That's what I would say justice is." He recognized that this definition was "an ideal. . . I don't believe we can get to that level of justice - and we call ourselves a civilized country!" Later in the interview, Greg acknowledged that figuring out the right or just way to treat students who did not turn in work might require opposing responses from him as a teacher:

> One student may say, "I didn't turn in my research paper because I had too much to do and I waited till the last minute." And I'd give that student an "F" or an "Incomplete." And another student may come to me and say, "I don't know why I didn't do my paper." And I may say, "I'll give you another day to do it." And the justice may simply mean that I understand one student more than the other. And that's not *fair*. I mean, they're not equal situations. . . It's based on the relationship that I have. Not the *quality* of the relationship. . . . Could be bad. I mean, I've done the same thing for kids that I just really don't like. Somewhere in my being. . .my intuition . . . says, "Ehh, for some reason, this kid deserves another shot." I don't know why I do that. . . Yes, I suppose there's that form of justice too.

Matt Lyons defined justice as "treating people fairly," and said, "There are certain kinds of, I guess, universal principles that tell us if there is truly justice in a country." In

his interview he defined those "universalities" as based on "a cultural standard . . . that there is probably some universal kind of principles that would determine if there was a just relationship or not." On the copy of the transcript mailed back to me, he circled the word 'universal' and drew a line linking it to this written comment: "The universalities I'm thinking of are equality, respect, honesty, liberty, fairness." Elsewhere in the interview he said it was "kind of hard for me to say [what a just relationship between a parent and a child]" would be like, but he thought "it would mean there's respect, that there's care, that there's time spent with that person. If you want to title all that under the umbrella term. . . of a just relationship, then, O. K." I probed his response: "Does that make sense? Would you do that?" He replied:

> Yeah. I think the concept of justice, it's so broad that we can look at a social level, we can look at it on a, like I said, on a school level, community level, one-on-one level. I mean the notion of justice probably, at least in [my] government class, doesn't reach down that far. I mean, I don't think I've ever really thought about it much in terms of justice being that broad [but] I would agree. . . that it does. . . I don't think a curriculum in any of the disciplines does that, I don't believe. I mean you could probably ask, what about the relationship between teacher and student, too, and I would think that it would relate to that as well.

Teachers' responses to my questions about whether there were different kinds of justice lead me to wonder whether Gilligan and her associates do not hear much talk about public justice (which, as citizens, most individuals wish to be guided by a set of principles or rules including legal procedural safeguards for "human rights") because their interviews ask respondents to discuss a moral dilemma they have personally faced, and therefore elicit responses about private relationships. In their book on Everyday Justice, Hamilton and Sanders (1992) compare "responsibility and the individual in Japan and the United States." Arguing for an historical perspective on justice as sociologically tied to the size of a community and the strength of "solidary" relationships (153-156), they build a carefully documented case that societies have different norms for justice among those who know, and care for and about, each other and justice among strangers. They situate justice within the context of "calling a person to account" involving "conceptions of the responsible actor" (p. 185), language used by none of the teachers I interviewed. However, several teachers (especially Laura Henly and Carrie Royce) specifically noted the importance of legal standards of justice in promoting social stability, a point Hamilton and Sanders stress in their discussion of American and Japanese conceptions of justice.

Summary and Conclusion

This paper shows that social studies teachers believe they address issues of justice in two primary ways: through choice of topics and materials actually used in class and in their relationships with students. While two thirds of those interviewed claimed to teach about justice directly and intentionally, one third felt they taught about justice indirectly. All teachers felt "teaching justice" was important to do and were able to cite specific topics and materials in use in their curricula (Makler, in preparation). Teachers who claimed to "always have taught about justice," even in their first year of teaching, attributed their strong interest in justice to a combination of personal values, family background and life experience; among this group were a former labor union organizer and a former community organizer. Other teachers who described themselves as deeply committed to exploring justice issues said they gradually incorporated justice issues because they first needed to find "their comfort zone" within the school community, and/or acquire sufficient knowledge in several areas of the secondary curriculum, and gain experience in teaching.

In responding to interview questions, teachers exhibited complex and complicated notions about justice. Although every teacher was uncertain about their knowledge of theories of justice, all had developed complex theoretical rationales to support their concepts of justice. Three definitions of justice emerged as primary theme clusters - justice as right and wrong, justice as fairness, and justice as an ideal or standard. Although individuals tended to focus on ideas related to one theme cluster, all teachers drew on ideas related to all three theme clusters as the context of their discussions warranted. Thus, as Mona Dietz (Makler, in preparation) noted, she might focus discussion of justice in her government class on law and issues of right and wrong, but would address justice in her psychology class by looking at how communities treat the homeless or mentally ill.

Two secondary themes emerged as interconnected to the three primary theme clusters: the idea of justice as requiring moral action and a belief in the relativity of justice. Teachers' "personal practical knowledge" (Connelly & Clandinin, 1985) of the idiosyncratic nature of ideas about justice among students and Americans in general combined with their academic knowledge that concepts of justice differed across cultures. Individuals struggled to rationalize their belief that some aspects of the concept of justice were universals with their knowledge that individuals experience justice differently depending upon their race, gender and class. While Gilligan (1982) and others (Lyons, 1987; Ward, 1989) have found that females tend to favor the language of care and males the language of fairness when discussing their concepts of justice, a strong gender-

associated difference in language did not emerge in these interviews. Male and female teachers used the language of justice and the language of care to describe their concepts of justice, depending upon the context and situation they were describing. The consistency of language and example across interviews with male and female teachers raises the possibility that social studies teachers may represent a special occupational group. Teachers are socialized to be responsive to students as individuals while they also must be cognizant of the needs of the class as a group in their teacher education programs and as part of their on-the-job training. Social studies teachers' knowledge about other cultures and governments, and about individual and cultural differences, differs from the norm among even educated adults because the secondary curriculum requires this. An individual social studies teacher may well teach five different academic disciplines within a two year period (e.g., U. S. history, global studies, economics, government and psychology). Thus, social studies teachers as a group may be more sensitive to the relativity of notions of justice across history and within contemporary society than other occupational groups; it also is possible that the diversity required of an accomplished social studies educator may attract adults already disposed to recognize this relativity.

Finally, although none of the teachers interviewed claimed academic expertise about matters of justice, the conceptions of justice they articulated paralleled the range of philosophical debate on important issues and themes within the concept of justice (see Barry, 1989; Shklar, 1990). However, teachers in this group described a concept of justice closest to Debra Shogan's (1992) position that fairness and caring are both essential aspects of the concept of justice. Teachers seem to believe that justice in the public domain should be construed differently from justice in the private domain of personal interactions; this belief mirrors sociological theory that societies and individuals have different norms for relations among strangers and friends. Clearly, this is an area worthy of further investigation.

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